

Clerk's Office
USDC, Mass.
Date 2-8-05
By MR
Deputy Clerk

UNITED STATES OF AMERICA
DISTRICT OF MASSACHUSETTS

CRIMINAL COMPLAINT
M.J. No. ~~2003M0454RBC~~

03-10370 -DPW-06

UNITED STATES)
)
 v.)
)
 JOHN GRAHAM, ET AL.)

**DEFENDANT JOHN GRAHAM'S MOTION
FOR COURT TO LIFT DRIVING RESTRICTION**

Now comes the Defendant John Graham in the above-entitled matter respectfully requesting this Honorable Court to lift the restrictions it previously imposed on Mr. Graham's right to operate a motor as a condition of his pretrial release. In support of this motion, counsel for Mr. Graham states that the following:

1. This court previously restricted Mr. Graham's right to operate a motor vehicle as a condition of his release following his charge in Rhode Island of driving under the influence of alcohol.
2. On July 9, 2004, the above-referenced charge of driving while under the influence of alcohol was dismissed. (See attached criminal complaint with docket entries). On July 7, 2004, at the Rhode Island Traffic Tribunal, Mr. Graham admitted that he failed to submit to a chemical test and as a result his privileges to operate a motor vehicle in Rhode Island were suspended for six (6) months. He was also required to participate in a program, pay fines and court costs, and perform community service.

3. On July 27, 2004, Mr. Graham's motion to seal/expunge the records related to his arrest was allowed. After having completed all of the requirements imposed by the State of Rhode Island¹, on or about February 2, 2005 Mr. Graham's privilege to operate a motor vehicle in Rhode Island was restored. Attached hereto are the documents verifying the dismissal of charges and restoration of Mr. Graham's privilege to operate in Rhode Island.

4. Recently, on February 4, 2005, the Massachusetts Registry of Motor Vehicles informed Mr. Graham that it requires an order from this court before Mr. Graham's Massachusetts license could be restored to him.

5. It is important for Mr. Graham to be able to operate a motor vehicle during the pendency of this case. Mr. Graham is the President of Preservation International, Inc., a Massachusetts corporation. The Defendant, John S. Graham, Jr., is the only employee of the company. It is, therefore, essential that he be able to drive to meetings and events to further his livelihood and run his business. Between June 5, 2004 and the present date, Mr. Graham, who resides in Weston, has had great difficulty running his business as a result of his limited transportation options. Additionally, the absence of a license has placed a strain on his family life – he has not been able to share in the responsibilities of driving his daughter to and from appointments or engaging in mundane activities such as going to the grocery store, or running errands for his household.

6. Under the totality of the circumstances, including the dismissal and expunging/sealing of his record, Mr. Graham should be allowed to resume driving privileges during the case.

¹ Mr. Graham completed a driver retraining program in Rhode Island, he completed sixty (60) hours of community service, and he paid the necessary reinstatement fees. (See Attached Documents)

STATE OF RHODE ISLAND**Department of Administration
Division of Motor Vehicles****B441669****NOTICE OF RESTORATION****VOID WITHOUT OFFICIAL STAMP****EFFECTIVE DATE**

02/02/2005

JOHN GRAHAM

DATE OF BIRTH

R.I. LIC. OR ID #

SOC. SEC. #

04/09/1961

019560487

000-00-0000

ADDRESS NOT AVAILABLE

02/02/05 12:13PM 000000#1296
0001 LIC.REIN
OPERATOR CONTROL
PAWTUCKET, RI 02860

YOUR PRIVILEGE TO OPERATE IN THIS STATE WITH A #019560487
VALID OUT-OF-STATE LICENSE IS RESTORED (NON RESIDENTIAL L.

IL L.	\$75.00	\$75.00
AL	\$75.00	\$75.00
TOTAL	\$75.00	\$75.00
CASH	\$75.00	\$75.00
CHANGE	\$0.00	\$0.00

05 JAN 33 AM11:56
CERTIFIED
By [Signature]
STATE OF RHODE ISLAND DIVISION
OF MOTOR VEHICLES

05 12:13PM 7E:
#1296 0001
LIC.REIN

0487
IL L. \$75.00
AL \$75.00

\$75.00
\$75.00
\$5.00

FEE PAID: \$75.00

NOTICE

11:55

TO OBTAIN A LICENSE YOU MUST PRESENT ONE FORM OF IDENTIFICATION. 0379870693

- ORIGINAL OR CERTIFIED COPY OF BIRTH OR BAPTISMAL CERTIFICATE, OR,
- PASSPORT OR IMMIGRATION CARD, PLUS,
- PROOF OF RESIDENCY

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DISTRICT COURT**

STATE OF RHODE ISLAND :

v.

:

Compl. No. 04-1197

John Graham :

:

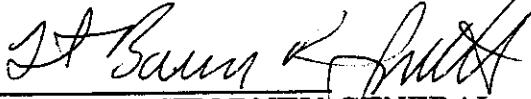
DISMISSAL BY PROSECUTION (48A)

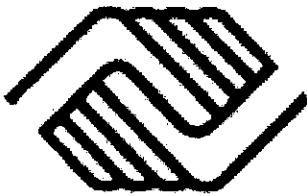
Now comes the State of Rhode Island and dismisses the above entitled matter under Rule 48(a) of the Rules of Criminal Procedure for the following reasons:

TOOK THE SANCTION

STATE OF RHODE ISLAND

By:


**ASSISTANT ATTORNEY GENERAL
SOLICITOR FOR CITY/TOWN OF**



**BOYS & GIRLS CLUBS
OF NEWPORT COUNTY**

Executive Director
Joanne M. Hoops

Officers
James P. Mercer
President

William O'Hanley
Vice President

Lisa Gross
Secretary/Treasurer

December 21, 2004

To Whom It May Concern:

I am writing this letter on behalf of John S. Graham.

John has been tireless in volunteer work with The Boys and Girls Club in Newport R.I. for the past four months. He has helped with the mailing campaign and most importantly, with the Annual fundraising Gala at the Rosecliff Mansion in Newport. Not only did John help with the Gala, he also was kind enough to donate a Newport Collection custom carpet from his company, Preservation International Inc., for the silent auction.

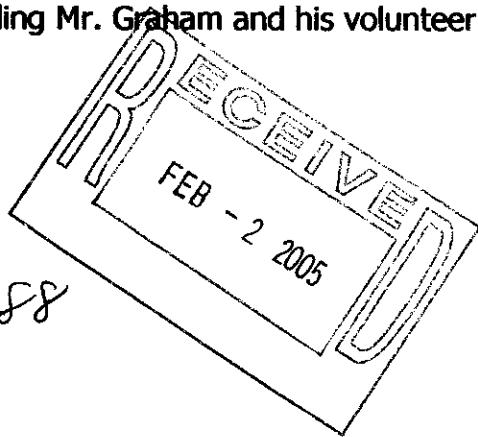
John S. Graham has given The Boys and Girls Club in excess of sixty hours of his time to help our organization help the children of Newport County.

Please do not hesitate to contact me regarding Mr. Graham and his volunteer work with Newport Boys and Girls Club.

Sincerely,

James Mercer

cell (508) 922-6188



Board of Directors

Barry Cooper
Allen Corcoran
Dan Corrigan
Dave Galvin
Frank Hanson
Terrence Houlihan
Candy Keefe
Rocky Kempenaar
Ralph Mc Crea
James Mercer
Paul Mulligan
William O'Hanley
Patrick O'Leary
Audrey Oswald
Bettie Pardee
Alicia Quirk
Patricia Stensrud
Robert Walker
Suzanne Warren

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

NEWPORT, SC

DISTRICT COURT
SECOND DIVISION

STATE OF RHODE ISLAND

Vs.

CA.NO. 21-04-1197

JOHN GRAHAM
DOB 04/09/61

DOA: 06/05/04
OFFENSE: DUI

ORDER

This matter came to be heard on the 27 day of July, 2004, in the District Court noted above, Judge Gontarz presiding, on the Defendant's Motion to Expunge Criminal Record; and after a hearing thereon, it is hereby **ORDERED, ADJUDGED and DECREED:**

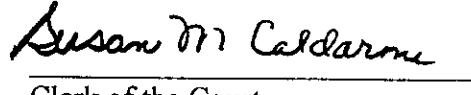
- 1) That any fingerprints, photographs, physical measurements or other record of identification taken by the arresting police department and the Department of Attorney General, shall be destroyed by the Office or Department having custody or possession thereof within forty-five (45) days of this Order pursuant to RIGL 12-1-12.1.
- 2) That the court records of said defendant be sealed within forty-five (45) days of this Order pursuant to RIGL 12-1-12.1(d).

ENTER as an Order of this Court this 27 day of July, 2004.

ENTERED:

ORDERED:

 J.


Clerk of the Court

PRESENTED BY:


Attorney for the Defendant
Christopher S. Gontarz, Esq.
314 Oliphant Lane
Middletown, Rhode Island 02842
401-847-5684
Rhode Island Bar # 3124

%%

R E C E I P T

Rhode Island Justice System

Receipt Number: TC01529215
Date: 19-JAN-2005
Cashier: CBA

Defendant: JOHN GRAHAM
Address: 282 MONTVALE AVE
WOBURN, MA 01801

Case: 01302008933
STATE VS GRAHAM, JOHN
Defendant: JOHN GRAHAM
License Number: 019560487
License State: MA
Offense Date: 05-JUN-2004
DOB: 09-APR-1961

Description	Amount Paid
Breathalyzer Refu	1,000.00
Court Costs	25.00
Total Paid:	1,025.00
Original Balance:	1,025.00
New Balance Due:	0.00

Tender Type: Check#513
Amt Tendered: 1,025.00
Total Paid: 1,025.00
Change: 0.00

Balance Due is as of 19-JAN-2005.

0001197

STATE OF RHODE ISLAND
DISTRICT COURT
CRIMINAL COMPLAINT01/08/2005
01302008932STATE
EX
REL
VS. DEFENDANT (NAME AND ALIAS)

John S. Graham

DEFENDANT ADDRESS AND PHONE
82 Montvale Ave Woburn MA.

TRENT	CITY	STATE	PHONE	DETERMINE ATTY DATE	PRE TRIAL DATE
EF. D.O.B.	DEF. BCI NO.	DEF. SOC. SEC. NO.	DEF. M.V. LIC. NO.		
4-9-61		019560487	019560487 MA		
OFFENSE DATE	XX DIVERS DATE	OFFICER/COMPLAINANT		PRE-ARRAIGN CONF DATE	TRIAL DATE
5-5-04		SGT FRANK KLUTH			
POLICE DEPT./COMPLAINANT ADDRESS Middletown Police Department 9 Berkeley Ave Middletown RI. 02842				SUPERIOR CT ARRAIGN DATE	MISC DATE/BAIL HRG/CONTROL

TO ANY JUDGE OR JUSTICE OF THE PEACE: ON BEHALF OF THE STATE I SWEAR THAT THE ABOVE DEFENDANT DID
COMMIT THE FOLLOWING OFFENSES:

OFFICER/COMPLAINANT X SGT FRANK KLUTH	DATE 6/5/04	SWORN TO BEFORE JUDGE/JUSTICE OF THE PEACE X F.J. FLANAGAN	DATE 5 JUN 04		
INITIAL APPEARANCE					
APPEARANCE DATE	BAIL FOR ALL COUNTS \$	ARRAIGNMENT DATE	JUSTICE OF THE PEACE		
ARRAIGNMENT					
ARRAIGNMENT DATE 5 JUN 04	ADVISED OF RIGHTS <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	JURY TRIAL WAIVED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PLEA COUNT 1 NC	PLEA COUNT 2	PLEA COUNT 3
BAIL FOR ALL COUNTS \$2000 WJS	ATTORNEY NAME	<input type="checkbox"/> PRIVATE <input type="checkbox"/> COURT APPT. <input type="checkbox"/> P.D.	JUDGE/JUSTICE OF THE PEACE X F.J. FLANAGAN		
COUNT 1	STATUTE(S) VIOLATED	31-27-2	<input type="checkbox"/> FELONY	<input checked="" type="checkbox"/> MISDEMEANOR	<input type="checkbox"/> VIOLATION
<input type="checkbox"/> ORDINANCE					

Did then and there operate a motor vehicle in this state: while under the influence
of intoxicating liquor and or drugs; in violation of Title 31, Chapter 27, Section 2 of
the General Laws of Rhode Island as Amended. After having been convicted of DWI in Massachusetts
on 1/14/00 SECOND OFFENSE

DISPOSITION	<input type="checkbox"/> NOT GUILTY FINDING <input checked="" type="checkbox"/> DISMISSAL <input type="checkbox"/> GUILTY PLEA <input type="checkbox"/> NOLO PLEA <input type="checkbox"/> GUILTY FINDING	SENTENCE IMPOSED
PROCEEDING	<input type="checkbox"/> ARRAIGN <input checked="" type="checkbox"/> PRE TRIAL <input type="checkbox"/> TRIAL <input type="checkbox"/> OTHER	APPEAL TAKEN <input type="checkbox"/> JUDGE X
COUNT 2	STATUTE(S) VIOLATED	<input type="checkbox"/> FELONY <input type="checkbox"/> MISDEMEANOR <input type="checkbox"/> VIOLATION <input type="checkbox"/> ORDINANCE

7/9/04

DISPOSITION	<input type="checkbox"/> NOT GUILTY FINDING <input type="checkbox"/> DISMISSAL <input type="checkbox"/> GUILTY PLEA <input type="checkbox"/> NOLO PLEA <input type="checkbox"/> GUILTY FINDING	SENTENCE IMPOSED
PROCEEDING	<input type="checkbox"/> ARRAIGN <input type="checkbox"/> PRE TRIAL <input type="checkbox"/> TRIAL <input type="checkbox"/> OTHER	APPEAL TAKEN <input type="checkbox"/> JUDGE X
COUNT 3	STATUTE(S) VIOLATED	<input type="checkbox"/> FELONY <input type="checkbox"/> MISDEMEANOR <input type="checkbox"/> VIOLATION <input type="checkbox"/> ORDINANCE

DATE

SENTENCE IMPOSED